G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1893-94
~~191~~.
(Inwards)

File No. 60

Confidential

Serial Nos. 11

Papers Filed.

*Month*_____

SUBJECT.

Unauthorized alienations of inam land assigned to religious and Charitable Institutions.

PREVIOUS REFERENCES. LATER REFERENCES

Muz. 1 A]

MUZRAI SECRETARIAT.

190 —190

From

L. ANANTASAMI RAO Es , B.A.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Muzrai Department

608 1893-4

To The Inam Superintendent
in Mysore.

Dated Bangalore

Despatched

Received 1 12 05

General Nr. 2546
Muzrai F No 60-93
Enclosures No.

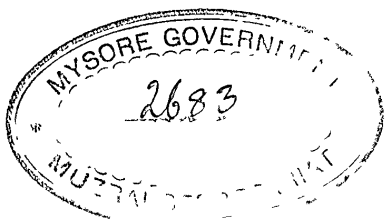
Has the honor to request that the original correspondence ending with Government of India Notification no 266 dated the 17th November 1877 publishing the rules on the subject of inauthorized alienations of inam lands assigned to religious and charitable institutions may be kindly caused to be forwarded to this Office for reference, if available in his Office

RSO

28/11/05 Secretary

M.G.C.P.B.—1,000-19-7-05.

1905-906



From The Superintendent of Inam Settlements in Mysore

To The Secretary to the Government of Mysore

Dated 12th
Despatched 13 } Muzrayi Department December 1905
Received

General No. 82
No.

Enclosure No.

No docket No. 2548 dated 1st December 1905.

With reference to the above I have the honor to state that there is no correspondence in this office regarding Government of India's Notification No. 266 dated 17th November 1877.

Supdt. of Inams & Settlements in Mysore

Submitted for information

21/12/05

Have we written to the Genl & Rev Secretariat for this correspce. If so, please put up the correce and the reply if any.

22/12/05

Camp Yedehalli

Aff put up
8.1.06

Mizpra.

To,
The Secretary
General & Revenue Departs,
Bangalore.

No 30633/18.1.06.

Dy.

Has the honor to request that the original correspondence ending with Govt of India Notification No 266 Dy the 17th November 1877 publishing the rules on the subject of unauthorized alienations of inam lands assigned to religious and charitable institutions may be kindly caused to be forwarded to this office for reference.

Rso
Dfh 17/1/06
Secretary

Rs
14/1/06

1906.

From
B.K. Venkata Varada Iengar Esq.,

Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Depts.

To
L.Anantasami Rao Esq.,P.A.

Secretary to Government in th
Muzrai Department

Dated 27th
Despatched February 1906

Received

General No. R. 10458
No. 2-2-R.

ENCLOSURE No. 9

As requested in his docket No. 3063 dated the 18th January 1906, has the honor to forward herewith papers as noted on the margin re rules about unauthorized alienations of inam lands assigned to religious and charitable institutions and to regest that the papers may be kindly returned when done with.

By Order

For Secretary

17.2.06

(1) R. No. 96 of 1893-94, containing 38 Serials
(2) One closed bundle containing :—
(i) Inam Commissioner's No. 401 dated 15.3.1876
(ii) Secretary's No. 1942/R.54 dated 2.6.1876
(iii) Inam Commissioner's No. 46 dated 25.7.1876
(iv) Collector Kolar dated 10.11.1877
(v) G. No. 7483/24 dated 17.11.1877 (Printed)
(vi) Inam Commissioner's No. 812 dated 27.7.1878
(vii) G. No. 3503 — R. 22 " 7.8.1878 (Print
(viii) " 1.11.1881 (
6123-31 — 181

Records

12/1906

Allotted to the Rev. Branch Off. 3.2.06.

Refer please 17.2.06

Vide Issue Book)

we

sit on a day

and select

PP. we may then

distribute among

ll for their copying

n. for the Pres. It

ll not be possible

one to do a

fter the 4/Lists so

e might sit up

this. Jours Reedy

4th 8/9/06

G.R.S. 29A]

1906-7.

From

The **Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Dept.**

To

Dated 16-8-06

Despatched

Received

General No. R-2087

Enclosure No.

Submitted for orders

MGCHL—20,000

Memo:

Letter No. 46, dated 25th July 1876
from the Offg. Inam Commissioner.

※ No. 110 dated 25th February 876.

※ In the marginally noted letter the Inam Superintendent brought to the notice of the Inam Commissioner, that during settlement, it was found that many of the Devadaya and Dharmadaya (Religious and Charitable) grants had been alienated by the Pujaries and others who had no right to do so and passed into the enjoyment of parties who had no connection with the temple or institution in favor of which the grants were originally made. The inams in such cases were confirmed to the institution subject

of the grant being fulfilled, and the alienation declared invalid and non recognizable. But no action has ever been regularly taken to restore such lands to the institutions concerned. In most cases the alienees, it would appear, were in possession of the land paying no rent or Jodi thereon. In several cases the Pujaries or managers of the temple having applied for the restoration of ~~the~~ alienated lands, ~~the~~ question has arisen, how far such alienations ~~tions~~ can be recognized if at all. In the case of village service ~~lands~~ grants, the alienation was recognized, if it had been made previous to the date of the Chief Commissioner's Notification dated 9th September 1835; but in

the case of religious and charitable grants, it had always been the practice not to allow such alienation

2. Major Cole was of opinion that no length of possession under 60 years should prove a bar to the summary restoration, by the Revenue authorities, of the lands to the temple or other institution, and where there has been adverse possession for more than 60 years, the Inam tenure should cease, and the lands remain in the alienees' enjoyment on payment of full assessment. In a few cases, in which the Gurus of Mutts had alienated lands to disciples &c, such alienations were it is reported, recognized and the Inams treated as personal and charged with the proper quit rent.

Colonel Anderson

1876 ~ Submitting the above letter for orders, stated that the period of 60 years suggested by Major Cole was too long, as there would be a difficulty in finding proof of such long enjoyment, but did not suggest any shorter term which he considered as sufficient to bar restitution. He simply observed that any restitution of Inams unauthorizedly alienated at a distant point of time was impossible, and that possession of such lands must be left with present holders, subject to payment of full assessment. Recent alienations, he added, ought not to be recognized as the alienee may be assumed to

pted the risk of the transaction being at some time called in question, and can seek for compensation from a Civil Court. In conclusion the Inam Commissioner thought, that no differen in the treatment of aliences, whether disciples or otherwise, was called for

No 1942/54 12 June 76

4. In the Pro: noted in the margin it was stated (a) that all lands granted to religious or charitable institutions should be continued to them as long as they are applied to their maintenance, (b) that a notice should then be served upon any aliences of such lands stating that they will be assessed at full rates, unless restored within some fixed period. (C) that lands held for 50 years with or without titles

should be confirmed to the holders and (d) that alienations to disciples should be treated in the same way as other alienations

5. The Inam Commissioner was requested to prepare Subsidiary Rules in accordance with the tenor of the above instructions, and to submit them for the Chief Commissioner's approval.

6. The Off.g Inam Commissioner now submits the Draft Rules, which will be alluded to Seriatum.

7. I would insert the words "confirmed and" before "continued" so as to make it explicit that, at the settlement, the Inams would be confirmed in the name of the Institution and

Rule I. All Inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be continued to them, so long as the conditions of the grant are duly fulfilled.

Amendment may be approved Initialled

thereafter, continued, so long as the conditions are fulfilled.

Approved Initialled 30/1/07

8. The "one year" grace proposed to be allowed is I think too long a period

Rule II Whenever it is found that such Devadaya lands are diverted from the object, for which they were granted, by means of sale, gift, mortgage, exchange, or otherwise, a notice will be served upon the alienee, - stating that such lands will be resumed and fully assessed by Government, unless restored within one year from the date of the notice.

Six months would be sufficient. Major Cole suggests that during the period of grace, the alienated lands should at once become subject to full assessment as the alienee who does not fulfill the terms of the grant is not entitled to enjoy the land rent free or on a light Jodi. The object of allowing the alienee a fixed time as grace

is I understand, to enable him to make arrangements for the recovery of the money due to him, and it is nothing but fair that during the period allowed for the restoration of the Inams he should have the full benefit of their enjoyment subject to the only restriction, that he should not commit waste or devastation to the prejudice of the interests of the Institution to which the lands are ultimately to revert The imposition of full assessment in addition to making the alienee give up the lands after a certain time is, I think, unfair.

9. Another suggestion of Major Cole is, that all alienations made

11. Major Cole further suggests that as alienations made subsequent to the date of the promulgation of the Inam rules, i.e 14th December 1867, were already declared invalid, the Revenue authorities may be instructed to restore the lands so alienated. I do not think that it is necessary to maintain any distinction between alienations made subsequent to 14th December 1867 and those made between 31st January 1853 and 14th December 1867. I would make Rule II applicable to all alienations made subsequent to the 31st of January 1853.

concur (initialled) yes

12. The mortgage referred to in Rule II is, I understand, a mortgage with possession. In the

yes

quent to the promulgation

e312f of the Chief Commissioner's Noti
Revenue pendium -fication of 31 January 1853 should
not be recognized, and that District
officers should in future adopt-
measures to prevent such alienations
Rule V has been framed accordingly

10. Instead of having a
separate rule as proposed, I beg
to suggest that Rule II may be
so amended as to declare that
all alienations subsequent to the
31st of January 1853 will not be
recognized and that if the lands
so alienated are not restored within
the time fixed in the notice they
Rule II as proposed is approved will be summarily restored to the
institutions by the Rev: authorities
under instructions from the Inam
Department

case of a simple mortgage or hypothecation of the lands without possession it will be sufficient to declare the transaction invalid in so far as it is intended to create a lien on the inam lands or to treat them as security for the loan ~~money~~ advanced, leaving the mortgagee to recover his debt by recourse to law

yes
approved

13. Rule II aims at nullifying even an exchange of land. An exchange cannot be viewed in the same light as a sale, gift or mortgage, nor can it be treated as an alienation to the detriment of the interests of the Institution as same thing was obtained in return for that which was given

away In all cases in which the exchange may be found to be for the benefit of the Institution, it is desirable that the land obtained in exchange should be confirmed to the Institution and that given away continued to the present holder on full assessment.

would therefore purge the word 'change' from le. II, the grounds ing stated in order for the uidance of the ttlement officer nitialled)

14. The period of grace allowed may be computed from the date of service of the notice. The service may be effected on the alienee, or his agent or manager who may be in charge of the property alienated.

pproved nitialled) 30.1.77

15. In the case of Inam villages alienated by sale, Major Cole states that redemption would seldom, if ever, take place and presumes that on fully assessing the villages, they would not be made over to the alienees

yes Initialled)

yes Initialled)

as quasi Kayeengutta This could not however, Major Cole adds, be avoided in the case of absolute possession by sale, gift &c., leaving the assessment subject to a revision in common with other Government villages. But as all lands occupied or un occupied would be classed and assessed, Major Cole thinks, the holders would not be prepared to pay the full assessment. It seems to me that if the villages are fully assessed they may be treated as Paliyas paying Kandayen and thereupon subject to a compulsory Survey and to revision of assessment once in 30 years.

his sums roper
(initialled)
jes
(initialled)

16. With regard to villages held on mortgage Major Cole suggests that a certain number of years might

be fixed in each case to enable the mortgagee to recoup himself, after which the village should revert to the Government absolutely. I do not clearly understand this suggestion why revert to Government, if the Inams, during settlement, be confirmed to and registered in the name of the Institution?

Yes

17. With regard to mortgages and sales, if they are not to be declared invalid unconditionally, enquiry will have to be made, in the case of only such alienations as were made prior to the Prohibitary Notification of January 1853, as to whether there was an actual necessity for borrowing money for the maintenance of the Institution and for other purposes connected with it. If the transaction of sale or mortgage was bonafide

and if the money raised was actually spent for the benefit of the Institution then some consideration may be shewn as suggested by Major Cole In such a case the alienee ought to be required to render an account of the produce he has enjoyed so that the value thereof may be set off against the principal sum lent and the interest at the mercantile rate 12 P.C. per annum and the balance if any still remaining due liquidated by making annual payments out of the income of the Institution I would not however continue the lands in the possession of the alienee, but restore them to the Institution at once if the alienee agrees to the terms above proposed; but if he does not, then they will

I think that
the II might
be divided into
parts dis-
tinguishing
alteration made
prior to 1853 but
within 50 years
from the date and
those made
subsequent to
1853.
In the former case
the lands so alienated
might, if not
restored voluntarily
by the holder, be
subjected to a Jodi
of one half the
assessment
during the currency
of the existing
50 years' Settlement,
the Jodi so
imposed being
payable to
the Institution
from which
it was
alienated.

subjected to full assessment after due notice. No such concession need be made, nor any consideration shewn to persons to whom the lands were made over as gift, or to those in whose favor the alienation was made contrary to the provisions of the Chief Commissioner's circular of January 1853.

and restore Institution.

29/81 concur on the ability. adopting the ve suggestions

Rule III - Lands held for 50 years and upwards with or without will be confirmed to holders on the erms prescribed in the Land Inam ules, and will ot be included n the Title-Deed ranted by the nam Deptt to he religious Institutions.

18 In confirming Inams under this rule I would suggest that the quit rent to be imposed be the same as that prescribed in the case of village service Inams alienated before the date of the Notification of 1835, i e half quit rent. The 50 years possession may be computed up to 14th December 1867.

This would ys. be contrary to the hief Commissioner's struction. See para 4 which provides for ation absolute any fodi be imposed, it should be a nominal

III. No distinction will be made between the alienations to disciples of religious institutions and others. both will be treated in the same manner

19 This may be added last and ammended as follows:—

"The alienations, whether made in favor of disciples of the Institution or others unconnected with it will be treated alike, and disposed of under these rules".

Initialled yes
I concur
Initialled

Rule V. Alienations of Inam lands made subsequent to the date of the promulgation of the Chief Commissioner's notification forwarded to the Supts of Revisions with circular No. 1 of the 31st January 1863 (Vide Page 312 of the Compilation of Revenue accounts and orders in force in Mysore) will not be recognised and, in such cases the Inam lands will be summarily resumed by the Institutions by the Revenue authorities.

20 The first two clauses decl alienations made subsequent to 31 Janry 1853 invalid and empowering Rev: authorities to restore the lands may be omitted if the same is to be embodied in Rule II as suggested by me in para 10. The rest of the rule ought, I think, to be omitted. Some of the claims are perhaps already barred or may be so on the date the rules now proposed may come into force, and it is thereupon

ex-already provided for in Rule II concurred

tructions
the Inam departs
the alienees
procud to
through the
vil Courts any
sum that may
be due to them
from the alienation
on account of the
transaction.

unnecessary to declare in the Rules that the alienees can proceed to recover the amount due to them through the Civil Courts. The Chief Commissioner moreover has no power to extend the period of limitation allowed by the law.

Rule VII All persons who may have been engaged in so alienating Devadayam Inams subsequent to 1853 will be liable to removal from their offices and Charge of the Institutions

21. This appears to me to be too stringent in its provisions The manager or Pujare of the Institution may have acted bonafide in raising money for the benefit of the Institution, and is he to be dismissed for so doing. If he is proved to have acted capriciously, in recklessly wasting the Temple properties and squandering the money lavishly and on his own account he certainly deserves

dismissal. If he misconducts him-
self, sacrificing the interests of
the Institution to meet his own
private ends, he ought certainly to
be dismissed. That to remove him
from the office simply because he
has raised money on the mortgage of
the property belonging to the Institution
is really hard. The dismissal or retention
of the Pujari or manager may be safely
left to the officers of the Muzrai Depart-
ment who will submit each case
for the final orders of the Commis-
or Chief Commissioner before taking
final action in the matter

yes. I don't think it would be necessary / expedient to enter here in order to punish individuals. The delinquents are those who are the licencees
Initialled)
I concur
Rule may be omitted here or greatly modified

22. This may be omitted. I

Rule VII The District Officers will enquire annually whether such Inam lands in the

think separate rules ought to be framed for the

settled Taluks are applied to the purposes for which the Grant had been originally allowed and finally confirmed by the Inam Department, and will prevent any such alienations in future.

guidance of the Revenue Officers The appointment of Committees to superintend and look after all religious and Charitable endowments will ensure the carrying out of the object which Major Cole had in view in framing this rule.

Certainly. The promulgation of these rules will suffice to prevent alienations in return
(Initialled)
I concur
(Initialled)

23. Major Cole apprehends that in very few cases will the Inams be redeemed or restored under Rule II except in collusion and with the view of fraudulently retaining the land as Inam. He thinks that we are waiving our right to cancel such unauthorized and illegal alienations and to apply the Inams to the purposes

for which they were originally granted.

24 If the additions already proposed to be made to Rule 11 be approved, we will succeed in a great measure in securing the restoration of the alienated lands to the Institutions to which they were originally attached. With for preventing future alienations, it may be clearly noticed that a Pujari manager or Superintendent of the temple or even the Committee which I propose should be formed, could not alienate the Inams endowed to a Temple or Institution either, by sale, mortgage or otherwise, without the express sanction of the ruling authority in Mysore, and that alienations unauthorizedly made will be set aside summarily

Rules as
d and
ded are
assed, no
cution order
this kind seem
ecessary. The Rules
ill have to be
ubmitted to
udge and conclude
nd before doing so
they may be redrafted
amended above
with an explanatory
rder to be com-
municated to the
urvey Commissioner
or his opinion
(Initialled)

Redraft 29/8/.
Rules
for submission to
d-c

Initialled)
30/1/77
~~Drafted~~

under the orders of the Chief Commissioner and the lands restored to the Temple or Institution

(Signed) J.R.A. Jumbo Chetty
28/8/76

No 924

25. The rules as amended above together with an explanatory order, were communicated to the Survey and Inam Commissioner and the Superintendent of Inam Settlements in this Office Proceedings No 5779/181 dated 13th September 1876.

26 The Superintendent of Inam Settlements submits in his letter noted in the margin, the, the following remarks for consideration, relative to the draft amended Rules.

No 85 dated 28 November 1876
The submission of this letter has been so long delayed as the Record Department first put up the wrong file of papers and though repeatedly told to make a search stated that the Officiating Inam Commissioner's

In clause 4 of Rule II the

ears of the continuancy

of the alienation is to be reckoned

this year, September 1876, whilst the 50

years of enjoyment under Rule III is

to be computed up to 14th December 186

In many cases, Major Cole thinks

these rules will be found to clash,

and suggests that the same period

Viz, the latter, be adopted in both

27 Major Cole presumes

that under clause A of Rule II, the

is to be confirmed in the name of

alienee on a Jodi of one half the ass

ment, but, he enquires, is a title

to issue from the Inam Depart

to him? If not, in what mode is

payment of the Jodi to be guaranteed

to the institution? Is the amount to

be paid direct to the institution by

the alienee, or through the Governm

In the event of the alienee resigning

penci
this letter)
letter was
on 7/1/77

V.
The Inam Supts
suggestion may
think, be approved.
or the words "from
date" I would
substitute "com-
puting the period
of possession up to
4th December 1867
Initialled J.R.A.J.

Yes
Initialled

I concur.

A little deed
may be issued to
the alienee with a
condition that the
confirmation is
subject to the
punctual pay-
ment of the Jodi
or assessment
imposed to the
Institution.
Initialled J.R.A.J.

I concur
Yes,
Initialled

It is advisable
I think that the
should

would, Major

Cole thinks be requisite for securing

ave to make

the interests of the institution.

the Jodi

assessment recovered or not.

In the event of alienee resigning the land it will of course revert to the Institution. A clause to this effect may be added in the Title-Deed

initialled T. R. A. T.

28. The Survey and Inam Commissioner submits remarks on the draft amended rules in his letter no. 1690 dated 16th December 87

He agrees with Major Cole regar the alteration of date proposed by him to be made in clause A of Rule II.

yes

Initialled

Spencer

Initialled

30/1/77.

Vide para 26(1) above

29. With reference to the half Jodi payable to the institution under A of Rule II noticed by Major Cole (Vide Para 27 above), the Inam Com Suggests that the half Jodi be paid into the Government treasury in ordinary manner and that the insti be granted a cash allowance of e

I am not in favor of this proposal for reasons above recorded.

Initialled T. R. A. T.

See para 27.

amount payable from the treasury. If this proposal is approved, Colonel Anderson thinks that instead of the words at the end of Rule II clause A "the Jodi or assessment so imposed &c" it would be necessary to substitute "the institution receiving a cash allowance certificate for an equal amount payable from the treasury." Colonel Anderson further observes that he does not see the precise object of the insertion in this Rule of the words "during the currency of the existing 30 years' Settlement and treated as lands paying Kandayam to Government If

on considering the aliene should pay to the Institution direct the Jodi and not that the Government be called upon to make all payments to the Institution irrespective their collecting the Jodi or not from the alienee.

These words may be omitted, I think
Initialled T. R. A. T.
Yes (Initialled).
Approved

as he considers, the confirmation of the alienation is final, these words should be omitted. The rule as now amended by the Inam Commissioner, runs as noted in the margin.

Amended Rule II Clause A
"Where such alienations were made prior to the 31st January 1853, but within 50 years from (computed up to December) 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a Jodi of one half the assessment, the institution receiving a cash certificate for an equal amount payable from the treasury."

30 With reference to the Inam Superintendent's next Suggestion (vide close of para 27 above), Colonel Anderson thinks that there is no necessity for a provision to meet the event of the alienee resigning the land, as in such a case the land would naturally revert to the institution. If, however, as would be improbable, the resignation occurred after the land had been confirmed to the alienee on half Jodi it

see my note on margin of Para 27 / would of course revert to Govern
(Initialled) J.R.A.T. ment as the confirmation on
half Godi and grant of an equal
cash allowance to the temple
would have entirely severed the
land from any connection with
the Temple.

(Signed) J.R.A. Thumboo Chetty
25.1.77.

The rules may be drafted
revised as now proposed
30/1 (Initialled)
Approved
(Initialled)
30-1-77

Rules to be written
separately.

No 327

31. The draft rules as amended above, with remarks thereon, were submitted* to the Government of India for approval.

Letter No 12966 R186 dated 31st March 1877 in R. F 96 of 93-4

32. In reply, the Government of India observe that when under Rule III, a grant of land is confirmed, the proprietary rights in which also belonged to the temple, and which have also been alienated, these rights should be confirmed to the present holders, but subject to full assessment. Such a grant, it is observed, no longer belongs to the institution to which it was originally assigned, while the fact of this assignment constituted the only title to the grant being held revenue-free. In other respects

said that the Hon'ble the President in Council approves of the rules in question.

33. There is no doubt, as observed by the Government of India, that when there is an absolute alienation of the land granted to a religious Institution, and the alienee diverts it from the purpose for which it had been granted, he forfeits his claim to hold it on the favorable tenure allowed to the institution. But the concession proposed is to be granted only when the alienee has been in possession and enjoyment for more than 50 years prior to 1867. This length of enjoyment makes in inam "valid" under Inam Rule III, though the grant

after note.

not be supported by Sanad or authority of any description.

34. Again, Clause 4 of Rule II deals with lands which were alienated before 1853 and have been in possession of aliences for less than 50 years, computed up to 1867. These were proposed to be confirmed to the aliences on ½ quit-rent payable to the institution, and this mode of treatment has been approved of by the Government of India; while the proposal to confirm lands which had been in possession for 50 years, under the Land Inam Rules, is objected to. Again, in the case of Service inams, alienations made prior to 1835 are valid, i-e, when the period of enjoyment by

it is only 42 years even computing it down to the present time. These are allowed to be confirmed on ½ quit rent.

35. For the above reasons, I beg to suggest that a further reference be made to the Government of India recommending the retention of Rule III

(Signed) J. R. A. Tumbo Chetty
1/10/77

I concur. The Government may be asked to reconsider the order on the point

2/10/7 (Initialled)

Approved draft to be prepared and submitted for approval

(Initialled)

2/10/77

No 395

36 A reference was made to the Government of India as directed above, recommending the retention of Rule III in the form submitted in this office letter No. 12966/186 dated 21st March 1877

letter no. 6534/87 dated 9th October 877.

37 Sanction is conveyed to the above proposal in the Government of India letter no. 105 dated 29th October 1877 now under reference

38. The whole correspondence may be printed and communicated to the officers concerned. The Rules now sanctioned may be published in the local Gazette for general information.

yes. (Initialled)

39. The correspondence ending with Nandidroog Commissioner's No. 423 dated 16th December 1876,

herewith putup

regarding the lands belonging to the Athavula Shah's Durga at Bangalore may, as suggested in Dufter Memo No. 960 be transferred to the Inam Superintendent, to be disposed of under the rules now sanctioned

(Signed) J. R. A. Thumboo Chetty
10/11/77

Enclosed the Vandidroog Commissioner's letter referred to above

Initialled
12/11/

cation

As it appears from certain com
plaints received at the Commissioner.
Hoozoor, that Lands allotted by the
Curkar for the maintenance of -
Dawastans &c have been mortgaged
by their Poojaries or Archucks, it is
hereby directed that all such
Lands being unalienable from the
Dewastans to which they have been
allotted the mortgagers shall make
arrangements with the mortgagees,
and redeem the Lands within one year
from the date hereof on failure of
which the mortgagees shall be per
mitted to Keep possession of the
Lands, performing themselves or through
their relatives &c; the Poojah or ceremonies
of the Dewastans, but in cases
where such a provision may be

have not been made within the time limited, the lands shall escheat to the Circar and be disposed of as it may deem proper.

Bangalore (Sd) M. C

31st January 1853

letters from the Inam Commissioner
No 956 and 957 of 2d September 1878
and order thereon No 5557/128 dated Bangalore
17th October 1878.

With the above, the Inam Commissioner submits certain proposals made by the Inam Superintendent for simplifying the Procedure for the settlement of the Inams remaining to be investigated and on a careful consideration of these proposals the Chief Commissioner makes the following observations

2 The settlement remains to be made only in the 12 Talooks of the Mysore and in 8 Talooks of the Hassan District besides one Taluk of the Bangalore District. The proposal of the Inam Superintendent that the Department should complete the Settlement of the minor Inams

as of the entire villages
and of all kinds is the Chief Commissioner
considers quite proper.

3. It is proposed to dispense with
the investigation and record of shares
and of the heirs to present holders
and even with the presence of the
Inamdars, and of written statements
of their claims from them

4. The record of heirs in individual
opinion, unnecessary in the Mysore
Settlement where it does not affect the
rate of Jist rent, and it may well
therefore be dispensed with. The
record of Shares, however, is a
necessary part of any settlement
It is merely a statement of the rights
of Govt and not a Judicial settlement
of the rights between parties and
would not, therefore, preclude the future

end of claims by the Civil Courts What is required is simply a record of the ordinarily recognized shares and shareholders as now existing, such as is readily ascertainable from accounts, and from the village and Taluk officials present. There is no reason why this should involve more difficulty, labor, and time than the ordinary annual Jamabandy- Settlement of the far more extensive assessed lands, and there is no need for dispensing with the presence of the Inamdars or their written statements. The presence of the principal Inamdar or Inamdars would however suffice to give the necessary information, and to conclude the settlement. The Chief Commissioner would not lay down any arbitrary rules, but would

Settlement officer every
latitude in regard to the course of
procedure, with a view of expediting
the Settlement, whilst strictly
adhering to the principles laid down
by the Settlement rules
5. With such simpler procedure, and
a select agency Mr. Gordon thinks
that it may be found possible to
complete the District Settlements in
a short period, say within six
months or so. The Settlement officer
or Assistant Commissioner should
proceed from Taluk to Taluk where
the assistance of the Amildar or
Sheristedar and accommodation
blishment should be placed at his
disposal for the time as is done in
the case of the Jamabundy officer,
a portion of the establishment might

next Talook to get
matters ready and to get the ~~settle~~
statements of the Inamdars
proper form The Inamdars who may
fail to appear in one Talook ay be
taken in the next, and if their absence
is prolonged, the settlement may be
made on the information available
in the public records, and enquiry
of the Talook and village officers,
noting the circumstance in the
Register. In this manner the
Settlement of a Talook need not
occupy more than from 15 to 30 days
Each officer may thus settle 600
or more cases in a month instead
of 300 as at present. It may be
well that the officers after receiving
instructions from the Inam Super
intendent should be attached

istricts, in order that they may have greater influence in obtaining the attendance of Inamdars and others.

6. The Head office must of course last longer to prepare the final registers and to wind up the work but it may be well to consider whether the printing of the registers which involves great expence is necessary.

7. The Superintendent in para 11 of his memo of 12th February 1878 refers to a register Form 2 which he has to furnish to the Survey Department shewing the area and assessment of every village from 1799, which he observes, constitutes almost an assessment in itself. The Chief Commissioner does not clearly see any necessity for this register

in the Inams may be allowed to the extent of the excess found on the recorded area of the assessed lands at the time of the Survey Settlement, and this information the Survey Department are in possession of.

8. The settlement of claims above indicated is necessarily based upon a general estimate, and Mr Gordon thinks that a general examination of the registers by the Superintendent to see that the decisions are in accordance with the rules and that there is no obvious irregularity should suffice.

9 The rules in the Commissioner Proceedings No. 7/483/24 dated 17th November 1877 sanctioned by the Govt of India in regard to the treatment of the

of Inam lands of religious
nd charitable institutions would
em unnecessarily to sanction such
lienations made upto 1853 It may
e worthy of consideration whether the
ettlement for the whole of such Inams
hould not be made with the holders or
rustees of the institutions leaving the
esumption of the alienations for
separate treatment hereafter unde
the ordinary rules The Chief Commr
will be glad of the Inam Commissioner
and Superintendent's views on this
subject

Secretary

To

The Inam Survey Commissioner
of Mysore returning enclosures of his
letters.

rom The Superintendent of Inam
Settlements

To
Secretary to Chief Commissioner,
General Department
Madras

Dated 22
Despatched 26 } November 1878
Received 27

Enclosure No 1

General No. 72 } 1878-79
His No 6651 of the 18th Instant
D 558

With reference to the above has the honor to submit a copy of Inam Superintendent's letter No 53 dated 21st Instant to the Inam Commissioner on the same subject

(signed) W. L. Cole
Supdt of Inam Settlement

From

The Superintendent
Inam Settlements

To

The Inam Commissioner
Poona

Dated 21st November 1878

No. 53.

In returning the enclosures of your No. 1295 of the 15th Instant, I have the honor to submit the following remarks, for the consideration of the Chief Commissioner, on his Proceedings No. 5557/128 of the 17th Ultimo

2. The Taluk in the Bangalore District, Doddaballapur, has been completed, and Mr. Syed Nasarudeen has commenced the Settlement of the

in the Mysore District.

of the 8 Taluks, alluded to, in the Hassan District have also been completed leaving.

1 Bélûr under Settlement

2 Manzarabad

3 Arkalgode

4 Attikuppa under Settlement

5 Nagamangala

3. With regard to the record of Shares, the minor shareholders have never been recognized by the Government and no record of their shares has ever existed. Indeed in very many instances the name of holders long since deceased are still borne on the accounts. However a note of the shares as now enjoyed can be made out, as directed in para 4 of the Chief Commissioner's

any error that
may be made by the wilful absence
of the shareholder to ... attend
through the Court Courts

4 The Procedure would [illegible] in
[illegible] of the Proceedings under
reference can be easily adjusted,
but the Arbitrators, in [illegible] must
be made to realize by [illegible] that
that they are responsible, & in the
most powerful [illegible] to
Shareholders and Shareholders must
for the correct prosecution of the
[illegible] in the Interest of the
Shareholders & not [illegible] the
present extent of the undertaking
as shown, the number & name of the
present engineers and the [illegible] of
each temple &c

5. It would specially bring to notice

of the Amildar C. Venkata
ramiah of the Mudagere Taluk, during
my recent settlement, in ensuring
the attendance of
1. The Maudé Potail
2. The Vad Potail
3. The Village Potail
4 The Inámdar
5. The Wurgdar
6 The Pajaru, Manager &c
I was thus enabled to settle as
many as 72 cases in one day
under the new procedure The
Register No 2 was also complete and
ready Whilst in the Alikuppa
Taluk, the Register No 2 has not been
completed to this day, and is really
being made out by the Inam Officials
as the settlement progresses.
6 In the Manzarabad Taluk

the Sheristadar

Venkataramaniah had prepared

the rough draft of the Register, for

Coorg of the 8 Hobles, whilst in this

Taluk the Amildar, Venkataranggar,

had the whole of the rough returns

properly prepared, and had entered

3 Hobles in the printed form of Register

No 2

I have sent the Register No 2

to all the Amildars of the Mysore

District with detailed instructions,

and allowing for the next 4 months to

prepare it and, for the Xmas holidays

I am also of opinion that the out-door

work of this Settlement can be

brought to a close in 6 months from

January next, providing some of the

Taluks are allotted to the Sub Revenue

Officers, as lately proposed by Mr Gordon

cers be attached to the respective Districts, I presume that their position with regard to the Superintendent would be defined.

8. I would only advocate the printing of the Land rent and Resumption Registers of each Taluk, as forming the record of the Settlement in supersession of all the Huzur and Stall Jamabandi Accounts of past days. The remnants of the Head Office could, I presume eventually merge into the Surplus Department of the Chief Commissioner's Office.

9. With reference to Form II alluded to in para 7 of the Proceedings under reference the Superintendent of Revenue Survey has recently dispensed with it for the Madras Talukas. It contains the old recorded

of each village of
time to which the enquiry of the
Survey Settlement does not extend

10. I do not feel quite sure of the meaning of the opening words of para 8 of the Proceedings. The Settlement of the Inam claims is not based upon a general estimate but upon the actual entries of area and assessment in the Inamte account of 1799 to 1810 and subsequent recognized Jari and Stall Inamti accounts, and each case is carefully gone through and conferred by me and is again checked in the Central Office before the Title deeds are prepared.

11. I would fully concur in the remarks made by the Chief Commissioner as regards the alienation

, in the last para

the Proceedings. The alienations and
orders thereon might be recorded in
the remaining Taluks by the Settlement
Officer and their due enforcement
be left to the Deputy Commissioners
of the Districts

I have the honor to be
Sir
your most obedient servant

(Signed) Rob. Cole
Supdt of Trav. Settlement

Dated Bombay 3rd April 1879

Colonel W. C. Anderson, Survey and Settlement Commissioner Mysore to the Secretary to the Chief Commissioner of Mysore

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I have the honor now to forward the following report upon the matters referred in Chief Commissioner's order No. 5557/128 of the 17 October last on the subject of the mode of simplifying the finishing up of Inam Settlement work

2nd Para. My opinion was that a record of shares of Inams unless it could be authoritative and correct was a useless addition to the work of the Inam Department and I see no reason whatever to change that opinion. But I have arranged

es as stated to be at present enjoyed shall be recorded. This will not materially add to the work to be done

3rd With reference to Para 6 the Inam Superintendent advocates the printing the Quit Rent and Resumption Registers of each Taluk which form the final record of the Settlement in supersession of all the old records bearing on the subject. As so much has been already printed I think it would be well and safe to continue the printing of these records to the end

4th With reference to Para 7. The supplying Form II referred to therein has been for some time back discontinued for all Talukas in which the old records and grants are in

, but the Settlement
Department might ultimately be in
difficulty in regard to those Talukas
in which the old records are "Bijwari
unless a trustworthy statement
of the Bijwari record of Purneah's
time was available when on the
spot in the Tauka it does not take
any serious amount of time for
the Inam Assistant to obtain the
preparation of this.

5th The Inam Superintendent
gives his full concurrence with the
opinion espressed in the 9th Para of
the order under consideration in
reference to the alienations of religious
and charitable institutions and on this
point I fully concur

6th One material condensation
of procedure occurred to me which

the minor Inams

and their settlement that an extract from the register in which they are recorded should supply both the interim and the final Title Deed. Hitherto the form of title deed for whole Inam villages and the most petty Inam of possibly only a few annas annual value was equally cumbrous and complicated.

7th I append a copy of the form of register of Inams which contains every possible item of information. An extract of this omitting columns 6 to 11 which have reference to the old Nos and records only would give a complete final Title Deed to be - issued after the Survey areas had been allocated, and a copy of the same with the columns 12 to 14 omitted would

interim certificate

the Survey areas could be determined
This will greatly simplify practice and
obviate chance of error, the final Title
Deed being a mere transcript of the
Settlement register. Column 5 contains
an addition to the information at present
recorded on Title Deeds for though allusion
is made in them to the conditions of grant,
no specification of them is provided for.
8th Another advantage is that once
the registers are made out which must
be in the progress of the actual enquiry
no specially skilled agency is required
to make out Title Deeds since they are
mere copies of the Register or so much
of it as is required
9th As regards whole villages I
propose to retain the present standard
form of Title Deeds unchanged.

the District of

Inam — Q — rent to Governm

Survey Num	Survey Area	Survey Assessm	Former Jodi	Quitrent now imposed	Total	Enfranchised or not	Remarks
12	13	14	15	16	17	18	19

Register of Minor Inams confirmed in the Taluk of

1 2. Hobli
3. Village

2 Serial Numbers

3 Name of Inam

4 Description of Inam

5 Conditions of grant

6 Description of Land

7 Old Field Number

8 Old extent

Former Assessment

10 Old Extent | Total

11 Old Assessment

the Chief Commissioner of Mysore

Read:—

Roobkari C. No. 2 of the 29th April 1879 from the Deputy Commissioner of the Bangalore District submitting the Proceedings connected with the Complaint of Ananthia, Archak of the Ramaswamy temple at Varanagatta in the Anekal Taluk, to the effect that a portion of the Inam lands belonging to the temple has been improperly alienated to one Srinivasaiah

under thereon No. 8413 dated 1st June 1879.
R 132

The Rules published in Notification of 17th November 1877 providing for the levy of only half assessment on alienations of Inam lands of religious and charitable institutions made prior to 1853 are under the reconsideration of the Chief Commissioner

no reasons for so sanctioning the alienations. The Inam lands under notice have been properly registered in the name of the temple, and the portion of them alienated from the Service should be restored to it. The Plaintiff in the case, however, would not appear to be the hereditary holder of the office. The claim to the office therefore would require to be enquired into, and whoever may appear to be the rightful claimant should be put in possession — — of the office as well as of all the Inams appertaining to it, and it may facilitate a fair settlement of the matter if such claimant were required to make any small reasonable compensation to the others who may be affected by the arrangement.

P. T. C.

(Signed)
Rev: Secretary

To

The Deputy Commissioner
Bangalore District

Commissioner

of Mysore

Read:—

Letter from the Inam Commissioner of Mysore, No. 306 dated the 2nd April 1879 offering remarks on the proposals made in the Chief Commissioner's Proceedings No. 5557/128 dated 17th October 1878 for simplifying the Inam Settlement work

Order thereon No. 4112-43 dated 11th June 87, R. 169

Under the circumstances — stated, the printing of the Land-Rent and Resumption Registers may continue.

2. As in the Talukas remaining to be settled, the old records of Inam give their areas and not the Bijawari, there will be little occasio for the Inam Department supplying

the Survey Department.

3. The new form of Register and Title Deed proposed by the Enam Commissioner for the minor Inams will be an improvement, but as the settlement has already proceeded near to the completion, it may be undesirable to alter the existing forms.

4. In Para 5, the Enam Commissioner conveys his concurrence and that of the Inam Superintendent in the views expressed by the Chief Commissioner in regard to the inexpediency of in anyway recognizing the alienations of Enam lands belonging to religious and Charitable institutions though made prior to 1853. The Government of India will be addressed in view to the ~~fact~~

rules published
under their sanction in the Notification
of the 17th November 1877. Meanwhile
the Enam Superintendent is requested
to direct his assistants not to act
on the rules in question and to
modify as far as practicable
any settlements already made
under them

(Signed)
Rev: Secretary

To

The Survey and Enam Commissioner
in Mysore

The Enam Superintendent
in Mysore

. 2368 dated Camp
R. 35

Mysore 12th June 1879 from the Rev: Secretary to the Chief Commissioner of Mysore to the Secretary to the Government of India Foreign Department, Simla

I am directed by the Chief Commissioner to bring under the reconsideration of His Excellency the Viceroy and Governor General in Council the rules recently made in respect of the alienations of Inam Lands belonging to religious and charitable Institutions which were sanctioned by the Govt of India in their letters Nos 89 and 105 dated - 13th September and 29th October 1877 respectively not without some hesitation

rules, it appears to mr Gordon, unnecessarily sanction alienations made prior to 1853, for which there do not exist sufficient grounds. Such alienations are in their very nature improper and invalid, and have no claims to recognition. Under the Limitation Act, sixty years possession alone would be a bar to the recovery of the lands granted for such public purposes and even in the cases in which the recovery of the lands is barred by the Act, there could be no objection to the alienated lands being brought under full assessment

3. The Survey and Inam Commissioner and the Inam Superintendent who have been

on the Subject

concur in the above views and the Chief Commissioner therefore requests that the sanction of the Government of India may be given for cancelling the rules. They have not yet been given effect to to any considerable extent

Letter No. 57 I.R. dated Simla 15th July 1879
from the Under Secretary to the
Government of India to the Chief
Commissioner of Mysore

I am directed to acknowledge
your Secretary's letter No. 2368 R.35,
dated 12th June 1879, recommending
the cancellation of the rules providing
for the restoration to religious and
charitable Institutions in Mysore
of inam lands which had been
unauthorizedly alienated from them

2 In reply I am to say that upon general
considerations the necessity of so soon
altering rules formally confirmed
and probably published, is to be regretted.
Before, however, passing orders on your
proposal, the Governor General in
Council desires to be informed what

ct of cancelling these
rules, especially upon those lands
Class II of which no redemption took
place under Sect. Cubbon's Noti-
fication dated 31st January 1853

etter General No. 1619/11 dated 29th July 1879 from the Rev: Secretary to the Chief Commissioner of Mysore to the Secretary to the Government of India, - Foreign Department, Simla

In reply to your Under-Secretary's letter dated the 15th Instant, No. 57. I R., I am directed by the Chief Commissioner to state that where Inam lands of religious and charitable institutions which have been alienated, whether prior or subsequent to 1853, are not reduced or restored to the institutions, after due notice they will be resumed and subjected to full assessment. It will be seen that no guarantee was given in regard to them by Sir Mark Cubbon's notification of 31st January 1853

the notification held such alienations of the Inams from the services for which they were given to be invalid, and ruled that in the event of the Inams not being redeemed by the original proprietors or the alienees themselves not undertaking the services for which the Inams were given, "the Inams should escheat to the Sirkar, that is to say, the Inam tenure for which there was no longer any occasion should cease and the land subjected to full assessment. It will be further seen that this was the view held by the Inam Superintendent in his letter of the 25th February 1876, with which the correspondence on the Subject commenced, and it was also the view expressed by the Government of India in the letter from the Foreign

vide accompanying printed correspondence.

d the 13 September 1877,

No. 89.

2. The Chief Commissioner desires to add that he is sensible of the inconvenience of altering rules once formally passed. In the present case, however, effect has not as yet been given to the rules to any extent, so that no difficulties are likely to arise from their cancelment, whereas any deviation such as that sanctioned by the Rules from the long-established and well known principle that service Inam tenures are resumable whenever they are separated from the services is sure to be attended with many complications.

letter No. 759. R. dated Simla, the 13th September 1879 from the Secretary to the Government of India, Foreign Department to the Chief Commissioner of Mysore

I am directed to acknowledge your letters marginally noted in which you recommend, with special reference to the alleged inexpediency of Rule II Clause A, the entire cancellation of the Rules published under Notification dated 17th November 1877 which provided for the restoration in certain cases to religious institutions of lands, which had been without authority alienated from them

2368 dated 12th June 1879
1619 dated 7th July 1879

2. The Rule cited above decided that temple grants alienated between the years 1817 and 1853, and held

once should, unless

voluntarily restored to the Temple by the holders, be assessed at half rates, and confirmed, the said quit-rent being paid direct to the institution in favor of which the grant was originally made. You would now, if your proposals are rightly understood, impose full assessment upon all such lands alienated since 1817, the proceeds to go to the revenues of the Province

3. His Excellency the Governor General in Council observes that the proposed revision of the Rules would undoubtedly be beneficial to the revenues of Mysore, and on general grounds, there might be much in favor of the measure. Nevertheless, the Rule as it now stands, was approved after very deliberate consideration, ~~and there~~

ears reason to apprehend

the absolute and perpetual sequestration of this income from the religious services to which they had been originally attached, might be regarded as a stringent proceeding and might not improbably be misunderstood. It is to be remarked also, that this method of dealing with such alienations would be less liberal, so far as private interests are concerned, than the practice which ordinarily governs the proceedings of Settlement Officers working in British Territory in similar cases, and it appears therefore open to question whether the Government of India are called upon to introduce the measure into a Province so shortly to be restored to Native Rule.

"With reference to the concluding

remarks of paragraph 2 of your letter dated 29th July, I am to observe that, as regards the principle there enunciated, it has not always been held in British Territory that Service Inam Revenues, which have long been separated from the services to which they were originally attached, are necessarily resumable. There are indeed many precedents for allowing that a sufficient lapse of time may act as a bar to resumption.

5. These are briefly the views of the Government of India, and I am accordingly to say that, upon the whole, His Excellency the Viceroy is of opinion that it will be expedient not to cancel the Rules that were approved in 1877.

Proceedings of the Chief Commissioner

of Mysore

Revenue Department

Read:-

Letter from the Secretary to the Government of India, Foreign Department No. 75 I. R. dated 13th September 1879

—"—

Order thereon No. 3862-4 / R 664 dated 2.16 of 1879

The Government of India having decided that the rules in regard to the treatment of alienations of Inam lands belonging to religious and charitable institutions, published in Notification dated the 17th November 1877, should continue to be acted on, the Chief Commissioner cancels the instructions issued in para 4 of his Proceedings dated 14th June 1879 No. 942-3 / R. 169, to hold the above rules in abeyance.

2 Under the rules of 1877 alienations made subsequent to 31st January 1853 are to be summarily cancelled, those of more than 50 years standing prior to 14th December 1867 are to be respected, and those of less duration but of a date prior to 31st January 1853 are to pay half assessment direct to the institution to which the Inam originally belonged.

The Inam Superintendent should be called upon to explain how these last mentioned cases are recorded in the Registers and provided for in the Title Deeds in order that the Jodi payable to the Institution may not be mixed up with that payable to the Government. The cases perhaps may best be entered and confirmed under the